

KENTUCKY DEPARTMENT OF EDUCATION
STAFF NOTE

Action/Discussion Item:

702 KAR 7:125, Pupil Attendance (Final)

Applicable Statute(s) or Regulation(s):

KRS 157:360, Base Funding Level; 704 KAR 3:305, Program of Studies

History/Background:

Existing Policy. The Kentucky Board of Education (KBE) engaged in a discussion in August 2005 about changing the current funding formula in ways that would reduce the administrative and financial burden associated with flexible programming. In October and December 2005, the KBE then considered a proposal to amend 702 KAR 7:125, Pupil Attendance, to provide options that would allow schools to count students in attendance who were participating in performance-based credit experiences. This approval would be based on an individual student or program basis, or on a whole school basis.

Part (1) One of the goals of the Refocusing Secondary agenda is to help schools move to a more individualized system of education where a student's progress is based on individual performance rather than being moved through the same curriculum in fixed groups. The KBE has reviewed policies that would allow districts to implement performance-based credit systems and provide an alternative to seat-time requirements. In December 2005 and January 2006, the KBE discussed changes to 704 KAR 3:305, Minimum Requirements for High School Graduation, that introduces performance-based credit into administrative regulation as a second basis on which schools may grant credit, along with the Carnegie Unit.

The change that the Board is considering would add two additional provisions to 702 KAR 7:125, Section 7 (4), which specifies the conditions under which pupils may be counted in attendance. Such a change will make it possible for schools to continue to count students in attendance and, therefore, to continue to generate SEEK funds for performance-based credit opportunities identified in 704 KAR 3:305, such as:

- Standards-based course work that constitutes satisfactory demonstration of learning in a course that the student failed to earn credit for when the course was taken previously;
- Standards-based portfolios, senior year or capstone projects;
- Standards-based online or other technology mediated courses;
- Standards-based dual credit or other equivalency courses; and
- A standards-based internship, cooperative learning experience, or other supervised experience in the school and the community.

Part (2) At the August 2005 Kentucky Board of Education meeting, the Kenton County Board of Education requested a waiver from the requirements of 702 KAR 7:125, Section 12(2), stating that a school district is not eligible to receive full-day funding for students who are not six years of age by October 1 but whose developmentally appropriate placement would best be served in the second level (second year or first grade) of the primary program. The district's request had implications beyond their two students and thus, the Board denied the waiver.

At the same time the Board denied the waiver, they asked staff to review existing policy and discuss any changes that may be necessary in order to appropriately handle these student placement and funding issues in the future. Language was added to Section 12 (2)(a) to allow students who meet certain criteria and are recommended by local board approval, upon Department approval, to enroll in the second level of the primary program at an age younger than previously allowed for funding purposes. The language changes also allow the attendance for these students to be included in the district's average daily attendance calculation.

In short, based on the changes to 702 KAR 7:125, students, who are not six years of age by October 1, but are enrolled in the second level (second year or first grade) of the primary program that meet the specified criteria would generate SEEK funding.

Part (3) Since the regulation had already been opened for changes relative to funding for refocusing secondary education and the full-day funding issue for students who are not six by October 1, the District Support Services staff took the opportunity to do clean-up edits to delete outdated language in Sections 8 and 17. Additionally, in Section 17 (page 17), Subsections (11), (12) and (13) were added back into the regulation after they were mistakenly deleted the last time the regulation was opened in 2004.

Part (4) During the December 2005 board meeting, members engaged in discussions that prompted a request to change Section 7(3) (page 5) of 702 KAR 7:125. The resulting changes specify that the exit log shall include the signature of a (1)parent, (2)legal guardian or (3)other adult with proper identification and authorization from a parent or legal guardian for an elementary student who leaves school early.

State board members also requested that staff consider language that would offer relief for flu/epidemic days. KRS 157.320 currently allows the five lowest days of attendance to be removed from the calculation of ADA. Any or all of the five days could be days that attendance was low due to illness.

The Home and Hospital program was also a topic of discussion during the December 2005 meeting. A request was made for staff to review the requirements of the program and consider adding language to the regulation that would require more instructional time. KRS 157.270 currently allows exceptional children receiving home and hospital instruction to be considered in attendance for five (5) days if the student receives two (2) one (1) hour sessions a week. If the board would like to take further action regarding the

Home and Hospital instruction, this item would need to be added to the legislative agenda.

Policy Issues:

- Does the KBE wish to approve the changes to 702 KAR 7:125 that would allow schools to count students in attendance and generate SEEK funding for performance-based credit opportunities?
- Does the KBE concur with the conditions and processes outlined in 702 KAR 7:125 in order to receive SEEK funding for students enrolling in the second level of the primary program?
- Does the KBE wish to approve the changes made to 702 KAR 7:125 that are cleanup/corrective in nature?
- Does the KBE agree with the language added to allow an authorized person other than the parent or legal guardian to sign an elementary student out of school?

Staff Recommendation and Rationale:

Staff recommends that the Board give final approval to 702 KAR 7:125, Pupil Attendance. Adoption of a funding method more conducive to flexible programming removes barriers to implementation of learning options. Additionally, the amendment would allow students who meet specified criteria and are not six by October 1 to be placed in the second year of the primary program if developmentally appropriate and SEEK funding would be generated.

Impact on Getting to Proficiency:

The current basis of funding is functioning as a barrier to the implementation of expanded learning options in many districts. Adoption of a basis of funding that is more conducive to flexible programming will help districts and schools meet the challenge of bringing all students to proficiency.

Groups Consulted and Brief Summary of Responses:

Local Superintendents Advisory Council (LSAC)

The Local Superintendents Advisory Council reviewed the regulation at its September and November meetings. A letter from that body, dated November 29, indicated unanimous support of the proposed changes. Prior to the February Board meeting, LSAC will once again review the regulation and forward comments via a letter from that body.

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